

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JUXTACOMM TECHNOLOGIES, INC.	§	
	§	
PLAINTIFF,	§	
	§	
v.	§	Civil Action No. 2:07-CV-00359-LED
	§	
ASCENTIAL SOFTWARE CORP., ET AL.	§	
	§	
DEFENDANTS.	§	

JOINT MOTION FOR DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(2) and (c), Plaintiff JuxtaComm Technologies, Inc. (“JuxtaComm”) and Defendants Business Objects SA and Business Objects Americas, (collectively, “Business Objects”), hereby move this Court to dismiss in their entirety and with prejudice JuxtaComm’s claims against Business Objects and Business Object’s counterclaims against JuxtaComm, with each party to bear its own costs, expenses and attorneys fees.

Respectfully submitted,

Dated: October 13, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

R. Laurence Macon

R. LAURENCE MACON
State Bar No. 12787500
lmacon@akingump.com
KIRT S. O’NEILL
State Bar No. 00788147
koneill@akingump.com
300 Convent Street, Suite 1600
San Antonio, Texas 78205-3732
Telephone: (210) 281-7000
Fax: (210) 224-2035

STEVEN M. ZAGER
State Bar No. 2604153
One Bryant Park
New York, New York 10036
Telephone: (212) 872-1000
Fax: (212) 872-1002

MICHAEL L. KIKLIS
District of Columbia Bar No. 462690
1333 New Hampshire Ave., N.W.
Washington, DC 20036
Telephone: (202) 887-4000
Fax: (202) 887-4288

– and –

LOCAL COUNSEL

T. JOHN WARD, JR.
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606-1231
Telephone: (903) 757-6400
Fax: (903) 757-2323
jw@jwfirm.com

**ATTORNEYS FOR PLAINTIFF
JUXTACOMM TECHNOLOGIES, INC.**

– and –

PARKER, BUNT & AINSWORTH, P.C.
/s/ Robert Christopher Bunt (R. Laurence Macon
with permission)
ROBERT CHRISTOPHER BUNT
Texas Bar No. 00787165
100 East Ferguson, Suite 1114
Tyler, TX 75702
Telephone: (903) 531-3535
Fax: (903) 533-9687
rcbunt@pbatyler.com

– and –

BIJAL V. VAKIL
SHAMITA D. ETIENNE-CUMMINGS
WHITE & CASE LLP
3000 El Camino Real
5 Palo Alto Square, 9th Floor
Palo Alto, California 94306
Telephone: (650) 213-0303
Fax: (650) 213-8158
bvakil@whitecase.com
setienne@whitecase.com

**ATTORNEYS FOR DEFENDANTS
BUSINESS OBJECTS SA AND
BUSINESS OBJECTS AMERICAS**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this Motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel or record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 13th day of October 2009.

R. Laurence Macon

R. LAURENCE MACON